

Date: January 11, 2011

To: Planning Commission

From: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Richard Carlisle, Carlisle/Wortman Associates, Inc.
Zachary Branigan, Carlisle/Wortman Associates, Inc.
R. Brent Savidant, Acting Planning Director

Subject: DISTRIBUTION OF DRAFT CITY OF TROY ZONING ORDINANCE

City Staff and and Carlisle/Wortman Associates, Inc. are pleased to present to you the complete Draft City of Troy Zoning Ordinance.

The document is not marked up in legislative format, with proposed changes shown in underline or ~~striketrough~~. Because of the significant changes proposed to the current Zoning Ordinance, the legislative format would have added hundreds of pages to the draft document, making for a difficult and cumbersome review. Instead, this memo serves as a summary of the proposed changes. Proposed document revisions fall into six categories:

1. Changes required to make the document easier to read and use.
2. Changes required to expedite review and approval for development applications.
3. Changes required to comply with the City of Troy Master Plan.
4. Changes of salience advanced by the Planning Commission.
5. Changes of salience advanced by Staff or Carlisle/Wortman Associates, Inc.
6. Changes required to comply with the Michigan Zoning Enabling Act (P.A. 110 of 2006), other laws and applicable case law.

The following is a summary of the proposed changes to the Zoning Ordinance:

1. Changes required to make the document easier to read and use

- Created a Table of Contents to make it easier to use the document.
- Reorganized the District Regulations section (see Summary of Zoning District Changes).
- Updated and improved existing definitions and added new definitions where necessary.
- Created new illustrations for some definitions.
- Inserted illustrations into the body of the articles, below the corresponding definition (in the existing document, illustrations are located at the end of the article).
- Eliminated the Schedule of Regulations and footnote section for area and bulk requirements.
- Provided area and bulk requirements for each zoning district, with illustrations for each district, to clarify height, lot coverage, lot area, width and setback requirements.
- Provided Schedule of Use Regulations table, which lists the zoning districts and the uses permitted within each district, as permitted by right, as a special use or as an accessory use.
- Removed specific use standards from individual zoning districts, and moved them to Article 6 Specific Use Provisions.
- Added specific use standards for a number of uses, including adult care facilities, bed and breakfast facilities, large scale retail establishments, live/work units, lodging facilities, and materials recovery facilities.

2. Changes required to expedite review and approval for development applications

The Zucker Study provides direction to encourage fast, fair and predictable development approval. Further, this fast, fair and predictable approval process will be an economic development tool by making Troy one of the fastest development approval municipalities in the State of Michigan. Changes made to bring the Zoning Ordinance into conformance with the Zucker Study include the following:

- Developed a process for administrative review and approval of site plan applications.
- Provided additional authority to the Zoning Administrator to waive required information if it is determined the information does not affect compliance with Zoning Ordinance.
- Streamlined the review and approval process for Planned Unit Developments by eliminating the Planning Commission and City Council public hearing required for Preliminary Development Plan (PDP) approval.
- Reassigned the responsibility for PDP approval for Planned Unit Developments from City Council to the Planning Commission.
- Streamlined the review and approval process for Site Condominiums by giving the Planning Commission the authority to approve Preliminary Site Condominium plans, with Final approval administratively.

3. Changes required to comply with the City of Troy Master Plan

- Modified the Zoning District Map to reflect District Regulation reorganization, as adopted in the Master Plan (see attached, Summary of District Changes).
- Added PV Planned Vehicle Sales District for the Troy Motor Mall.
- Developed Sustainable Design Project (SDP) provisions.
- Added stormwater management provisions.
- Added wind energy conversion system provisions.
- Updated environmental performance standards.

4. Changes of salience advanced by the Planning Commission

- Eliminated specific standards for temporary approval of commercial vehicles in One-Family Residential Districts. This will make it more difficult for commercial vehicles to be parked in residential districts.
- Created three Form Based Code (FBC) Districts: Big Beaver District, Maple Road District, and Neighborhood Nodes District.
- Developed the following provisions for each FBC District: Regulating Plan, Authorized Use Groups, Building Form Standards and Design Standards.
- Updated landscaping provisions.
- Strengthened maintenance requirements for landscaping materials.
- Comprehensively revised landscaping and screenwall provisions to provide flexibility in the application of landscape buffer options.
- Required landscaping in and around the perimeter of parking lots.
- Strengthened lighting provisions.

5. Changes of salience advanced by Staff or Carlisle/Wortman Associates, Inc.

- Clarified the role of the Zoning Administrator in administration of the Zoning Ordinance.
- Strengthened provisions related to home occupations and temporary buildings, structures and uses.
- Developed public hearing notice requirements, to be used for all applications where public notice is required.

- Developed provisions for performance guarantees.
- Clarified the procedure for rezoning of property.
- Expanded the general special use approval standards.
- Provided standards for the placing of conditions on special use approval by the Planning Commission.
- Simplified permitted uses by eliminating conditional uses, which are essentially permitted uses.
- Added equipment screening requirements.
- Updated parking space standards.
- Added general access management standards.
- Added general pedestrian access standards.
- Added MHP Manufactured Home Park District for Troy Mobile Home Villa.
- Moved Adult Use Business definitions from Definitions article to Adult Use provisions in Article 6 Specific Use Provisions.

6. Changes required to comply with the Michigan Zoning Enabling Act (P.A. 110 of 2006), other laws and applicable case law

- Changed the name from Board of Zoning Appeals (BZA) to Zoning Board of Appeals (ZBA) to be consistent with the Michigan Zoning Enabling Act.
- Modified the membership of the ZBA to include one Planning Commission representative only, with no Planning Commission alternate.
- Added two alternate members for the entire ZBA.
- Clarified the duties of the ZBA to include interpretations and appeals of administrative decisions.
- Strengthened the procedures for variance applications.
- Provided the ZBA the authority to review and approve use variance applications.
- Added use variance standards and procedures.
- Modified non-use variance standards so they are consistent with zoning case law.
- Broadened the standards for determining whether a nonconforming use has been abandoned.
- Updated site condominium provisions (referred to in existing document as unplatted one-family residential developments).
- Added definitions related to site condominiums.

The process for adopting the new zoning ordinance is similar to the process for adopting a proposed zoning ordinance amendment. After reviewing the proposed draft document, the Planning Commission shall schedule the required public hearing to solicit public input. Following the public hearing, the Planning Commission shall make a recommendation to City Council, which then holds a required public hearing for the proposed document. Following the public hearing, City Council may adopt the zoning ordinance.

Adoption of the zoning ordinance will necessitate revisions to other City ordinances, including Chapter 85 Signs and Chapter 60 Fees and Bonds Required. These revisions will be initiated by City Staff upon adoption of the revised Zoning Ordinance.

Attachments:

1. Summary of District Changes, December 30, 2010.